Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes March 27, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, March 27, 2009, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Faricy, Lu, Morton, Porter, Smitten, Thao, Wencl; and **Present:**

Messrs. Alton, Bellus, Commers, Gordon, Johnson, Kramer, Margulies, Nelson,

Schertler, Spaulding and Ward.

Commissioners Messrs. *Barrera, *Goodlow.

Absent:

*Excused

Also Present: Donna Drummond, Interim Planning Administrator; Larry Zangs and Tom

> Beach, Department of Safety and Inspections staff; Allan Torstenson, Patricia James, Merritt Clapp-Smith, Kate Reilly, Josh Williams, Emily Goodman and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes March 13, 2009.

MOTION: Commissioner Johnson moved approval of the minutes of March 13, 2009. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

II. **Chair's Announcements**

Chair Alton announced that two items were distributed relating to the APA Conference coming at the end of April. He said this is a great opportunity for Saint Paul, even though the conference is being held in Minneapolis, because there are going to be lots of mobile workshops and sessions that highlight Saint Paul. If commissioners have the opportunity, they are encouraged to sign up. The deadline for early registration was extended to March 31, but registrations will also be accepted on-site.

III. **Planning Administrator's Announcements**

Donna Drummond reported on planning-related business at the City Council from the last two weeks. On April 18th the City Council gave its revised Municipal Consent approval to locate the operation and maintenance facility for the Central Corridor LRT line at the Diamond Products site in Lowertown, and a Memorandum of Understanding between the City and the Metropolitan Council, which specifies how a number of outstanding issues will be resolved as design and construction of the line proceeds. On April 22nd the City Council approved the Transportation Plan with a minor amendment.

IV. PUBLIC HEARING: District 8 Summit University Plan Summary – Item from the Neighborhood Planning Committee. (Merritt Clapp-Smith, 651/266-6547)
Chair Alton announced that the Saint Paul Planning Commission is holding a public hearing on the District 8 Summit University Plan Summary. Notice of the public hearing was published in the Legal Ledger on March 5, 2009, and was mailed to the citywide Early Notification System list and other interested parties.

Merritt Clapp-Smith, PED staff, stated that she took over work on the Summit-University (District 8) Plan Summary, when Shawntera Hardy left the staff. Ms. Clapp-Smith said that she completed a DRAFT Summary, had it reviewed by other City departments and made revisions accordingly. She then discussed the DRAFT Summary with District 8 staff and representatives, and then made additional revisions until the Summary was acceptable to staff and District 8.

Ms. Clapp-Smith then highlighted key elements of the plan and that the vision of Summit-University (District 8) is to be a strong, vital community that celebrates its diverse residents, businesses and housing stock. She noted that the Plan Summary is organized into eight major areas of focus, Empowerment, Connectivity/Community Building, Land Use and Zoning, Economic Development, Housing, Transportation and Safety, which she shared key points from each area.

Chair Alton read the rules of procedure for the public hearing.

The following people spoke.

1. Mr. Carl Nelson residing at 222 Virginia Street, Saint Paul in District 8 also a member of the Summit University Planning Board he shared in the process of coming up with the plan. Mr. Nelson thanked Ms. Clapp-Smith for an excellent summary, which captured what they were trying to do in the plan. He said that this plan is supported by the board. And that after a meeting of the Neighborhood Planning Committee he reported back to the board that there was some interest in dividing the issues for the city and items that they'll be dealing with strictly within the community. He presented this to the Summit University Planning Board and they support that division. Ms. Clapp-Smith did not get a copy of that yet, but he is sure this will come to the next Neighborhood Planning Committee meeting. Residents are proud of their community and want to preserve it and strengthen it in hopes that the plan will give guidance in doing so.

MOTION: Commissioner Wencl moved to close the public hearing, leave the record open for written testimony until 3:00 p.m. on Tuesday, March 31, 2009, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Kramer seconded the motion. The motion carried unanimously on a voice vote.

V. <u>April 2009 National American Planning Association Conference in Minneapolis</u>, and Current Minneapolis Planning Initiatives. Guest presentation by Barbara Sporlein, Minneapolis Planning Director. (*Donna Drummond*, 651/266-6556)

Ms. Sporlein started her presentation by talking about the conference coming in April. This is the 101 National Planning Conference of the American Planning Association (APA). The conference is April 25th through April 29th at the Minneapolis Convention Center. There are a significant number of mobile workshops which include orientation tours, and tours on foot, bike or transit in

addition to buses. There are special conference sessions designed for planning commissioners and an "insiders guide" that talks about other things you can do around town in addition to the conference. All this information and more can be found on the conference web site at www.planning.org/nationalconference.

Ms. Sporlein also talked about current planning initiatives in Minneapolis, and how the planning function is organized. The Mayor and City Council in 2003 brought together some of the disparate planning and development functions in the city into one organization, Community Planning and Economic Development (CPED). This brought together the planning department, the Minneapolis Community Development Agency, the office of jobs and training, the empowerment zone and the office of arts and culture. CPED has three Divisions; Planning, Housing, and Economic Development. Ms. Sporlein commented that no two planning departments are alike, the authority, the ordinances, and the staff and responsibilities are very different. She said Minneapolis completed its Comprehensive Plan update in 2008, and since 2000 have completed about thirty-five small area plans. They also have completed specialized citywide plans; they have an industrial land use and employment policy plan which was adopted in 2005 along with an arts and culture plan. They also have a public art program dedicated to installing original public artwork on the city's publically owned land. CPED has a transportation planner who works closely with the transportation planners in the Public Works Department.

The Planning Division staffs five boards and commissions, including the Planning Commission. The Minneapolis Planning Commission is a ten member board with no committees, which is different from the Saint Paul Planning Commission. CPED reviews all building permits, every business license, and administers the zoning code, including amending and enforcing it. They enforce the heritage preservation ordinances, the designation work, all the environmental reviews, and the land sub-division regulations. They are really focusing on implementing adopted plans, which sometimes involves additional small area planning and rezoning studies. Rezoning is one of the implementation steps that they can control, and typically rezoning studies are done right after getting strong policy guidance from the small area plans. Ms. Sporlein talked about all the small area plans that they are working on and their progress. They are also working on the economic stimulus opportunities, both at the federal and state level.

Commissioner Johnson thanked Ms. Sporlein for coming. He said that the central cities in Minneapolis and Saint Paul have some unique problems that are not shared with suburban communities. It is helpful to learn about what our colleagues on the other side of the river are doing, so that we can learn and gain from their experience. Commissioner Johnson also said that he is a member of the APA, and he has attended three national conferences, speaking at two of them. He strongly encouraged planners and commissioners if at all possible to attend the conference.

VI. Zoning Committee

NEW BUSINESS

#09-028-679 Fredy Auto Repair Inc – Change of nonconforming use from auto body shop to auto repair station. 930 Duluth Street (931 Atlantic) SW corner at Phalen Blvd. (*Luis Pereira*, 651/266-6591)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the change of nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#09-036-030 Jerry Castillo – Modify conditions of approved conditional use permits (Zoning File #08-040-632) regarding site access and hours of operation for auto repair, auto specialty, and outdoor sales businesses. 1309-1333 University Avenue West between Hamline and Syndicate. (Merritt Clapp-Smith 651/266-6547)

Commissioner Morton said that a letter was received from Council member Stark's office asking to send this item back to the Zoning Committee. After consulting with the City Attorney's office, there is no basis for returning this item to the Zoning Committee.

Commissioner Gordon asked about the other issues that Council member Stark's office had concerns with.

Chair Alton stated that, based on the record before the Commission, returning the case to the Zoning Committee would not change the recommendation.

Ms. Clapp-Smith explained that there had been some concerns about enforcement issues. The conditional use permit regulates how the business can operate under the Zoning Code. Enforcement issues are handled through Department of Safety and Inspections (DSI). She explained that she had worked with DSI staff, and that they are satisfied with the conditions in the resolution before the Commission.

Commissioner Johnson added that in this case all due process was followed so there is no basis for returning the case to the Zoning Committee.

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the modifications to the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

#09-035-075 M &I Bank – Conditional Use Permit for accessory drive-through sales and services for a bank, with modification of distance requirements from residentially zoned property. (*Kate Reilly*, 651/266-6618)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

OLD BUSINESS

#08-219-385 & #09-023-133 Marathon Petroleum Co. – Conditional Use Permit for wetland fill and replacement to construct a new rail yard south of the existing CP Yard, and variances of River Corridors standards regarding impact on wetlands and steep slopes. 1245 Pigs Eye Lake Road. (Josh Williams, 651/266-6659)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to deny the conditional use permit and variances.

<u>MOTION TO AMEND</u>: Commissioner Kramer moved to amend the motion by substituting a revised resolution with additional findings. Commissioner Johnson seconded the motion. The motion carried unanimously on a voice vote.

Chair Alton called for a roll call vote with each commissioner voting on the matter stating their reasons for their vote. If voting in favor of the resolution to deny, Chair Alton stated that it would be sufficient to simply say that the vote is based on the reasons recommended by the Zoning Committee as stated in the resolution.

<u>ROLL CALL VOTE</u>: The motion to deny the conditional use permit and variances carried unanimously on a roll call vote.

#08-214-779 Marathon Petroleum – Site plan review for Marathon Petroleum Pigs Eye Lake Rail Yard regarding impact on wetlands and steep slopes. (*Tom Beach*, 651/266-9086)

ROLL CALL VOTE: The motion to deny the site plan carried unanimously on a roll call vote.

VII. Comprehensive Planning Committee

Chair Donnelly-Cohen announced that the next meeting is on Tuesday, April 7, 2009.

VIII. Neighborhood Planning Committee

<u>Grand Avenue Special Sign District</u> – Release draft for public review and set public hearing on April 24, 2009. (*Emily Goodman*, 651/266-6551)

Emily Goodman, PED staff, said on page six of the proposed amendments there is a phrase that needed revision: Any illumination shall be directed toward the surface of the sign. There was some discussion at the Neighborhood Committee meeting as to the difference between the intent of that phrase and what it effectively signified as written. Staff consulted with Summit Hill Association and the Grand Avenue Business Association and confirmed that the intent was to eliminate unwanted light spilling over onto other properties. The new language to be added into the draft in place of the problem phrase is: Sign illumination should be done in such a way that light spillover on adjacent properties is minimized.

<u>MOTION</u>: On behalf of the Neighborhood Planning Committee, Commissioner Wencl moved to release the draft for public review and set a public hearing on April 24, 2009. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

<u>Signs with Dynamic Display Ordinance</u> – Release draft for public review and set public hearing on April 24, 2009. (*Emily Goodman*, 651/266-6551)

Emily Goodman, PED staff, said this ordinance updates existing regulations on electronic message signs and introduces new regulations. The new term "signs with dynamic display" is meant to allow for new technologies and also to make the terminology for dynamic business signs parallel to that used for dynamic billboards, as adopted in the 2007 ordinance regulating "billboards with dynamic display." This ordinance creates certain standards for signs that can move without people manually moving them. The types of standards are based on recommendations from the American Planning Association, case law, and other ordinances

throughout the country.

<u>MOTION</u>: On behalf of the Neighborhood Planning Committee, Commissioner Wencl moved to release the draft for public review and set a public hearing on April 24, 2009. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

Commissioner Wencl announced that the next meeting is on Wednesday, April 15, 2009.

IX.	Communications Committee			
	Commissioner Smitten had no report.			
X.	Task Force Reports			
	No reports.			
XI.	Old Business			
	None			
XII.	New Business			
	None			
XIII.	Adjournment			
	Meeting adjourned at 9:43 a.m.			
Sonja l Planni	ded and prepared by Butler, Planning Commission Secretary ng and Economic Development Department, f Saint Paul			
Respectfully submitted,		Approved	(Date)	
	Drummond 1 Planning Administrator	Marilyn Porter Secretary of the	Planning Commission	

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